

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 2504 OF 1992

Vijay Shankar Pawar
residing at New CIDCI, Nasik ... Petitioner
V/s

Sou. Pallavi @ Prafulla Vijay
Pawar R/at C/O Dhanaji Nagoji Unhavane
Amar Housing Society, Block 14,
Shikarewadi, Nasik Road,
Tal & Dist. Nasik ..Respondent.

Ms. Deepali Kale for Mr. P.N. Joshi for the petitioner.
None for the respondent.

CORAM : D.G.DESHPANDE, J.

DATE : 13TH SEPTEMBER, 2006.

ORAL ORDER

. Heard Ms. Kale for the petitioner. Nobody is present for the respondent. Petitioner is husband, who has challenged by this petition an order passed by 5th Jt. Civil Judge, S.D. Nasik dated 9th April, 1992, by which the husband petitioner was directed to pay maintenance of Rs.500/- to the wife-respondent. It is clear from the order Exh."E" that initially maintenance of Rs. 125/- per month was granted to the wife, as interim maintenance. Thereafter, the Court found from the petition that the petitioner husband was getting salary of Rs. 4,366.25 and contention of the wife that

she is unable to maintain herself and therefore, the Court enhanced the amount from Rs. 125 to Rs. 500/- per month. It is this order, that is challenged by the petitioner.

2. Counsel for the petitioner firstly contended that she has no instructions as to whether the original petition for restitution of conjugal rights is still pending or not. So far as merits of the matter are concerned, she contended that if initially maintenance of Rs. 125/- was granted to the wife then there was no reason to enhance the amount of Rs. 500/-. I do not find any force in her submission. This petition is filed in 1992 and the petitioner has obtained stay upon certain conditions by order of this Court dated 6th July, 1992. There is nothing on record to show that original petition for restitution of conjugal rights is disposed of.

3. So far as merits of the matter are concerned, the impugned order itself shows that the petitioner husband earning salary of Rs. 4,366.25, whereas the wife was granted meagre amount of Rs. 125/- at initially stage as interim maintenance. Therefore, the

trial Court was fully justified in enhancing maintenance from Rs. 125/- to Rs. 500/-. Therefore petition is dismissed. Stay is vacated Rule discharged. If the petitioner has deposited the amount as per order of the Court, the wife is entitled to withdraw the same without further intervention of the Court, if the amount is not already been withdrawn.

(D.G.DESHPANDE, J.)